
BILL NO: Senate Bill 436
TITLE: Courts – Improperly Summoning a Police Officer – Civil Liability
COMMITTEE: Judicial Proceedings
HEARING DATE: February 14, 2020
POSITION: **SUPPORT**

Senate Bill 436 would create a civil cause of action against a person who knowingly causes a member of law enforcement to arrive at a location in order to place the person in that location in an unfair light (explanation below). The Women’s Law Center of Maryland (WLC) supports this bill with amendments to make clear that cases where domestic violence or other interpersonal crimes may be being committed are excluded or considered in a more specific way. We are wary of unintended consequences for the people we represent and others trying in good faith to assist them.

Senate Bill 436 is trying to address behavior that should not be condoned. There seem to be two kinds of acts it is addressing. First, sometimes a person engages in swatting, defined as “a criminal harassment tactic of deceiving an emergency service [...] into sending a police and emergency service response team to another person's address” (Wikipedia, last viewed 2/11/2020). Second, there are calls made that have simply no basis – there is no criminal activity even being alleged, the person is doing nothing wrong or illegal; rather, the caller just doesn’t like them, doesn’t want them around, or wants to get them into trouble. SB 436 would allow a suit for damages if the caller called law enforcement to come to a place with the intent to infringe on the person’s constitutional rights, to cause that person embarrassment, harassment or humiliation, or to damage the person’s reputation. The cost to a person if this happens to them can be terrible. Also egregious is the caller using law enforcement, a vital public service, for no good means, perhaps limiting law enforcement’s ability to respond to a valid call.

However, we have grave concerns of any chilling effect to victims of intimate partner violence or sexual assault having this used against them by their abusers. Similarly, we do not want to chill Good Samaritan type calls, often neighbors of someone experiencing violence in their home. Imagine a neighbor hearing what sounds like someone being abused in the apartment next door. The neighbor calls the police. Perhaps the victim decides not to implicate the abuser, and does not pursue either a civil protective order or criminal charges against their abuser. The abuser might then seek to sue the neighbor for damages. We see, often enough, abusers suing their victims in tort, so this is a very real possible unintended consequence of this bill. We hope there is a way to protect callers in these cases.

Therefore, the Women’s Law Center of Maryland, Inc. urges a favorable report on Senate Bill 436 with amendments.

The Women’s Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change. The Women’s Law Center operates two hotlines, Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County and the Multi-Ethnic Domestic Violence Project.